

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF A MEMBER §  
OF THE BAR OF THE SUPREME §  
COURT OF THE STATE OF § Nos. 186, 1999 and 386, 2001  
DELAWARE: §  
§  
ELIZABETH RODRIGUEZ §

Submitted: September 4, 2001

Decided: March 14, 2002

Before **VEASEY**, Chief Justice, **WALSH**, and **BERGER**, Justices.

**ORDER**

This 14<sup>th</sup> day of March 2002, it appears to the Court that:

(1) This is a lawyer disciplinary proceeding. On June 6, 2000, the Board on Professional Responsibility filed a report with this Court recommending, among other things, that the respondent, Elizabeth Rodriguez be suspended for a period of four years, retroactive to April 16, 1996 (when this Court first placed Rodriguez on disability inactive status). We remanded the matter to the Board for further consideration. Specifically, the Board was directed to consider the financial harm caused by Rodriguez and her efforts at restitution.

(2) The Board issued its supplemental report following remand on August 13, 2001. The Board incorporated by reference its prior report and recommended sanction. Additionally, the Board also recommended, upon

Rodriguez's reinstatement as an active member of the Bar, that she be placed on disciplinary probation and subject to other conditions as part of her reinstatement. Neither the Office of Disciplinary Counsel nor Rodriguez filed any objections to the Board's supplemental report.

(3) The Court has considered the matter carefully. We find the Board's recommendation of a four year retroactive suspension to be appropriate. We therefore accept the Board's findings and recommendation for discipline.

(4) As for the conditions of reinstatement, including the recommended four year probationary period, it appears that those recommendations are premature and should be considered in conjunction with Rodriguez's petition for reinstatement. The record reflects that Rodriguez filed a petition for reinstatement directly with this Court in 1999. We stayed those proceedings (case No. 186, 1999) pending final resolution of the disciplinary proceedings.

The disciplinary proceedings now are resolved. The reinstatement petition therefore should be remanded to the Board for further proceedings in accordance with Delaware Lawyers' Rules of Disciplinary Procedure Rule 22.

Any consideration of reinstatement necessarily must include consideration of the restitution issue.

NOW, THEREFORE, IT IS ORDERED that the Board's June 6, 2000 report and August 13, 2001 supplemental report are hereby ACCEPTED. Rodriguez shall be suspended for a period of four years retroactive to April 16, 1996. The petition for reinstatement is hereby REMANDED. Jurisdiction is not retained. These matters are hereby CLOSED. The Office of Disciplinary Counsel shall disseminate this Order in accordance with Rule 14 of the Delaware Lawyers' Rules of Disciplinary Procedure.

BY THE COURT:

s/Joseph T. Walsh  
Justice